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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KARTIKA SHETTY, M.D., F.A.C.P.,

Plaintiff,

v.

U.S. CITIZENSHIP AND IMMIGRATION
SERVICES, et. al.,

Defendants.

2:20-cv-909-KJD-BNW

STIPULATION AND THIRD REQUEST TO
EXTEND DATE FOR FEDERAL
DEFENDANTS TO FILE RESPONSE TO
COMPLAINT
(Third Request)

Current Date: December 11, 2020
New Date: January 11, 2021

It is hereby agreed and stipulated by all parties, through their respective counsel, that the due date for the federal defendants to file their response to the complaint (#1) may be extended to January 11, 2021. This is the third request to extend the due date for the defendants' response to the complaint. It is requested the Court approve the requested extension of time based on the following:

1. Plaintiff Shetty filed his complaint (#1) on May 20, 2020. The complaint seeks to challenge the denial of Shetty's petition for an "EB-1" visa which sought classification of Shetty as an alien with extraordinary ability in the field of internal medicine education. *See* Complaint (#1), para. 1.

2. By stipulated order (#18) entered July 17, 2020, the deadline for the defendant federal agencies to respond to the complaint was extended to October 26, 2020, based on USCIS's issuance of an

1 administrative request for evidence (RFE) to obtain additional information from Shetty relevant to his
2 visa application.

3 3. By stipulated order (#20) entered October 14, 2020, the deadline was extended to December
4 11, 2020, based on the expectation that additional information relevant to Shetty's visa application would
5 be received in due course and USCIS would then be in a position to review the materials and make a visa
6 eligibility determination thereon.

7 4. USCIS received additional materials in late October 2020 in response to its RFE and relevant
8 to Shetty's visa eligibility. Due to the volume of materials to review and the work constraints imposed
9 by the current Covid-19 public health crisis, the USCIS adjudication officer will not be able to review
10 the additional materials and issue a visa eligibility determination during the time period prior to the
11 current deadline for responding to the complaint.

12 5. The USCIS adjudication officer anticipates completion of the visa eligibility assessment and
13 issuance of a decision thereon in late December 2020.

14 6. The requested extension of time is requested in order to provide time for the USCIS
15 adjudication officer to review and evaluate the additional materials provided by Shetty and to issue a visa
16 eligibility determination consistent with those materials.

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1 Based on the foregoing, the parties request the Court approve the stipulation and the proposed
2 extension of time to January 11, 2021, for the filing of defendants' response to the complaint.

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4 /s/ Daniel Pierce
DANIEL PIERCE, ESQ.
Counsel for Plaintiff

/s/ Greg Addington
GREG ADDINGTON
Assistant United States Attorney
Counsel for Federal Defendants

6 ORDER

7 **IT IS SO ORDERED**

8 **DATED:** 1:42 pm, December 04, 2020

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10 **BRENDA WEKSLER**
11 **UNITED STATES MAGISTRATE JUDGE**
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